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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/084,007	05/26/1998	TOMOAKI TAMURA	02860.0585	4892

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EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/084,007

Applicant(s)

TAMURA, TOMOAKI

Examiner

Rashawn N Tillery

Art Unit

2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16-19 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Examiner notified Applicant (Elizabeth Niemeyer) on February 28, 2003 that their preliminary amendment (February 19, 2003) was received after the mailing date of the previous office action mailed on February 13, 2003. Thus, the preliminary amendment is being treated as a response.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake (US5631701) in view of Suzuki (US6111605).

Miyake teaches transferring image data from an electronic still camera to an external device (computer, printer, display, etc). First, the operator selects a mode (shoot mode, transfer mode, shoot and send mode) of operation. In the shoot mode, a plurality of images are taken through processing (gamma correction, white balance, Y/C processing, compression, etc.) and then stored in a memory card. Dependent on the available space of the memory card, the image data could be stored without being compressed. In the transfer mode, the camera sends a transfer rate command to the

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external device for permission to receive image data. Upon receipt of a command from the external device that data can be received and the transfer rate in which data should be sent, the camera transfers image data from the memory card to the external device for subsequent display, printing or storage. Miyake also teaches a mode where the image data can be captured and immediately sent to the external device (see col. 7, lines 3-66 and col. 9, lines 61-65).

The examiner acknowledges that Applicant's invention as described in the specification is not the same as that of the Miyake patent, however, Applicant's claim language is currently written broadly enough where a broad interpretation of the Miyake patent can read on it.

Regarding claim 27, Miyake discloses, in figures 1 and 2, a portable camera being carried by an operator, comprising:

a photographing section (108) to photograph an object and to convert photoelectrically a photographed color image of the object into electrical image signals;

a processing section (110, 112, 114 and 122) to process the electrical image signals so as to output first color image data in the form of a first data format (first image data is data from the CCD before compression) to record color data of the photographed color image;

a memory section in which a removable memory (120) is accommodated, wherein the processing section records the photographed color image by storing the first color image data in the removable memory accommodated in the memory section;

a color display section (206) to display a color image, wherein the processing section processes the first color image data in the removable memory so that the color display section displays a color image corresponding to the first color image data;

wherein the portable camera is adapted to receive second color image data (second image data is compressed image data read from the removable memory) in the form of a second color format (compressed data inherently has a format different from non-compressed data) different from the first color data format by accommodating in the memory section a removable memory storing the second ~~the second~~ color image data and (the examiner notes that Applicant's claim language is written in the alternative and thus requires only part of the limitation be met);

wherein the processing section processes the second color image data (the processor decompresses the image data from the memory card for subsequent display) in such a way that the color display section displays a color image corresponding to the second color image data (see col. 4, lines 44-61).

Additionally, Miyake discloses a terminal (30) to transmit image data to an external device (20). Miyake does not, however, expressly disclose a terminal that receives image data from an external device.

Suzuki teaches a digital still camera connected to a printer (see figure 11). Suzuki reveals that it is well known in the art for the camera to receive image data from the external device (printer). Suzuki's printer acts as a storage device for storing image data until it is ready to be printed (see col. 16, lines 29-56). The stored image data can also be sent to the camera for display. It would have been obvious to one of ordinary

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skill in the art to implement such a storage device in Miyake's camera system since Miyake teaches a mode where the image data can be captured and immediately sent to the external device. It would have been highly desirable for Miyake to be able to immediately store incoming image data in a larger storage unit and then transfer the image data to the camera for processing (gamma correction, white balance, Y/C processing, compression, etc.). One would have been motivated to do so in an effort to increase storage capacity and reduce image pickup time.

Regarding claim 21, Miyake discloses the first and second color image data are digital image data including a data set of luminance data and color difference data (see col. 3, lines 50-67 and col. 4, lines 1-11).

Regarding claim 22, Miyake discloses the first color image data and the second color image data are different in data configuration (the first image data is data processed directly from the CCD; and the second color image data is compressed data of a JPEG compansion system).

Regarding claim 23, Miyake discloses that the first and second color image data are different in number of pixels since the second color image data is compressed image data.

Regarding claim 26, Miyake discloses the terminal comprises a serial driver to conduct a serial data transmission (see col. 4, lines 62-66).

2. Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake in view of Suzuki in further view of Kleinschmidt et al (US6085112).

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Regarding claim 24, Miyake discloses, in figures 1 and 2, the terminal receives image data from one of an external computer (204), a portable information device (120; the memory card acts as a "portable information device" in that it is capable of storing and carrying image information). Miyake does not expressly disclose receiving image data from a public telephone. However, Kleinschmidt reveals that it is well known in the art to utilize a video telephone device (see the abstract) for the purposes of transferring image data. Thus, it would have been obvious to one of ordinary skill in the art to implement such teachings as a well known alternative for sending image information.

Regarding claim 25, Miyake teaches a communication interface to serially transmit image data. Miyake does not expressly disclose an infrared unit. However, Kleinschmidt reveals that it is well known in the art for a video telephone to communicate with a computer using an infrared link (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement such teachings as a well-known variation to serially transmitting image data.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

RNT  
May 5, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600